

Oct. 27. 2005 4:19PM

**RECEIVED
CENTRAL FAX CENTER**

No. 3845 P. 1

OCT 27 2005

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP

PATENT TRADEMARK AND COPYRIGHT LAW

1100 SUPERIOR AVENUE

SEVENTH FLOOR

CLEVELAND, OHIO 44114-2579

TELEPHONE (216) 861-5582

FAX (216) 241-1666 AND (216) 241-5147

DATE: October 27, 2005

TO: U.S. Patent and Trademark Office

ATTENTION: Examiner Ryan F. Pitaro

FACSIMILE NO.: 1-571-273-8300/1-571-273-4071

FROM: Timothy E. Nauman

RE: U.S. Serial No. 10/040,808

Our Reference No.: A1197-US-NP/XERZ 2 00449

Total number of pages (including this cover sheet): 11

Please call us immediately at (216) 861-5582 if the telecopy you receive is incomplete or illegible. Our facsimile numbers are (216) 241-1666 and (216) 241-5147.

Dear Examiner Pitaro:

Applicants respectfully request as early an action as possible due to the fast approaching deadline.

The documents accompanying this facsimile transmission include information from the firm of Fay, Sharpe, Fagan, Minnich & McKee, LLP that might be legally privileged and/or confidential. The information is intended for the use of only the individual or entity named on this cover sheet. If you are not the intended recipient, any disclosure, copying, or distribution of these documents, or the taking of any action based on the contents of this transmission, is prohibited. If you have received this transmission in error, these documents should be returned to this firm as soon as possible, and we ask that you notify us immediately by telephone so we can arrange for their return to us without cost to you.

Attorney Docket No.: XERZ 2 00449

AMENDMENT TRANSMITTAL LETTER

Ser. No.: 10/040,808	Filed: January 7, 2002	Examiner: Ryan F. Pitaro
Art Unit: 2174	Title: OPACITY DESKTOP WITH DEPTH PERCEPTION	

To the Commissioner for Patents:

Transmitted herewith is an *Second Amendment After Final* in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED						
	Claims remaining after amendment		Highest Number Previously Paid For	No. of Extra Claims Present	Rate	Additional Rate
Total Claims	14	Minus	20	0	X \$50	\$0.00
Indep. Claims	2	Minus	3	0	X \$200	\$0.00
TOTAL					=	\$0.00
<input type="checkbox"/>	No additional fee is believed due however, if this is not the case, the Commissioner is hereby authorized to charge any and all fees to Deposit Account No. 06-0308.					
<input checked="" type="checkbox"/>	Payment for the filing of this Amendment and any appropriate extension of time fees are authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.					
<input checked="" type="checkbox"/>	Applicant(s) hereby petition the Commissioner under 37 C.F.R. § 1.136(a) and request a one month extension of time to respond to the outstanding Office Action.					

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP**RECEIVED**
OICE/IAP

OCT 28 2005

October 27, 2005
Date

Timothy E. Nauman
Timothy E. Nauman, Reg. No. 32,283
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

CERTIFICATE OF MAILING

- I certify that this Amendment Transmittal Letter and accompanying documents are being
- ☐ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
 - ☒ transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below (Facsimile No. 1-571-273-8300 and 1-571-273-4071).
 - ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature <i>Kathleen A. Nimrichter</i>
Date October 27, 2005	Printed Name Kathleen A. Nimrichter

N:\XERZ\200449\US\KAN0004993\0001.doc

Oct. 27. 2005 4:20PM

No. 3845 P. 4

CERTIFICATE OF FACSIMILE

I hereby certify that this Second Amendment After Final is being forwarded to the U.S. Patent and Trademark Office via Facsimile No. 1-571-273-8300 and to Examiner Pitaro at Facsimile No. 1-571-273-4071 on October 27, 2005.

By: Kathleen A. Nimrichter
Kathleen A. Nimrichter

**RECEIVED
CENTRAL FAX CENTER**

OCT 27 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Gerald S. Gordon
TITLE : OPACITY DESKTOP WITH DEPTH PERCEPTION
APPLICATION NO. : 10/040,808
FILED : January 7, 2002
CONFIRMATION NO. : 2903
EXAMINER : Pitaro, Ryan F
ART UNIT : 2174
LAST OFFICE ACTION : July 11, 2005
ATTORNEY DOCKET NO. : A1197-US-NP
XERZ 2 00449

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND AMENDMENT AFTER FINAL

Dear Sir:

Responsive to the Office Action mailed July 11, 2005, please amend the above-identified application as follows.

Amendments to the Claims are reflected in the listing of claims which begin on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.